

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

---

DETROIT DAVIS, JR.,

CIVIL No. 11-1962 (PJS/TNL)

PETITIONER,

v.

**ORDER**

STATE OF MINNESOTA,

RESPONDENT.

---

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung, dated October 7, 2011, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 5), is **DENIED**;
2. This action is **DISMISSED WITH PREJUDICE**; and
3. Petitioner is **NOT** granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 10/31/11

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge